ARA #3 PT 1438

CLASSIFICATION

DEPARTMENT OF STATE
TRANSMITTAL SLIP

DATE 1/14/78

TO For the Attention of
FRANK TUMMINIA, ARA/CAR

FROM
JOHN D. BLACKEN

TO THE FOREIGN SERVICE	TO THE DEPARTMENT
☐ For Transmittal to Addressee at the Discretion of Post	☒ Dept. Information Only
☐ Post Information Only	☐ CERP Publications
☐ Transmit to Foreign Office	☐ Enclosure to Previous Airgram
☐ Submit Report	☐ Reply to Department Request
☐ Reply to the Individual	

☐ Transmit to: (U. S. Agency).
☐ Inform:

REFERENCE

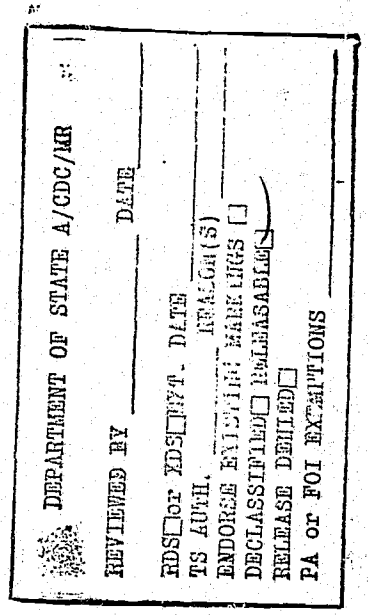
ITEMS/REMARKS

Dyphate dated
9/77

IN REPLY REFER TO FILE NUMBER AND DRAFTING OFFICE

FILE NO.	SIGNATURE
CLASSIFICATION	OFFICE DCM

FORM DS-4 12-64 ☆ U.S. GOVERNMENT PRINTING OFFICE : 1973—725-341/417 3-1



ARA #3 PT

Lot 7

9/16/77 - draft

No. 7

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Guyana and wishes to express its concern about the status in Guyana of Mr. and Mrs. Timothy Stoen.

Timothy and Grace Stoen came to Guyana January 5 for the purpose of regaining custody of their child, John Stoen. They are seeking to do this under due process of the Guyanese legal system.

They have in their passports permits to stay in Guyana for a two week period ending January 19. They understood at the time they were issued those permits that if the litigation in which they were involved was not completed by January 19 they could apply for an extension of their stay. On January 13, however, an immigration officer came to their hotel and informed them that they would have to leave Guyana on Saturday, January 14. They were given no reason for this curtailment of their permission to stay in Guyana.

The Embassy believes it to be a matter of humanitarian concern that the Stoens be permitted to remain in Guyana until the judicial proceedings they have initiated to regain custody of their son have been completed and a decision by the court made public. Accordingly, as a matter of urgency, the Embassy would appreciate that the

Ministry of Foreign Affairs inquire into this matter and use its good offices to obtain permission for the Steens to remain in Guyana for the time necessary to complete their litigation.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.

Embassy of the United States of America,

Georgetown, January 14, 1978.

ARH #3 PT

KR P&L 13-6

No. 75.

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs of the Republic of Guyana and wishes to inform the Ministry of Foreign Affairs of a matter of concern that has come to the attention of this Embassy.

As the Ministry is aware, Mr. Jeffrey Haas, an American attorney, has been in Guyana since August 30, 1977, representing Mrs. Grace Stoen, an American citizen residing in California, in regaining the custody of her son, John Stoen, who is residing at the People's Temple community near Port Kaituma, Northwest District. Mr. Haas has in his possession a court order issued by the competent judicial authority of the State of California awarding custody of John Stoen to his client, Mrs. Grace Stoen.

At the invitation of the Honorable Minister of Foreign Affairs and Justice Messrs Jeffrey Haas, John Blacken and Richard McCoy met with the Minister in his office September 1 to discuss this case. The Minister summoned the Solicitor General to effect proper enforcement of the custody order pursuant to Guyanese law. The Solicitor General later referred Mr. Haas to Clarence Hughes Esq. Mr. Hughes has been retained and expeditiously moved the matter through the Supreme Court of Guyana.

Following the procedure, a writ of Habeas Corpus was issued by the Supreme Court on September 6, 1977. Mr. Jim Jones was ordered to appear before the Court on September 8, 1977 to resolve this matter fairly and expeditiously under the applicable statutes of the Government of Guyana. Service was attempted unsuccessfully on September 7. The Court therefore ordered on September 8 to have alternate service utilized and this service was effected on September 9, 1977, with the assistance of the Guyana Defense Force and the Guyana Police. Representatives of People's Temple were hostile and abusive. They referred to the Court Order as "garbage" and "trash".

Neither John Stoen nor Jim Jones appeared in Court as ordered. As a result, the Court on September 10 ordered the arrest of John Stoen. Further it ordered John Stoen a ward of court. Leave was granted to institute contempt proceedings against Jones. However, it is my understanding that the Government has issued instructions that the court order not be implemented. For instance, the warrant for the arrest of the child remains unsigned despite numerous requests by Counsel.

The Embassy is concerned over this apparent intervention on the part of the Government into a matter that is under the jurisdiction of the Court. The Embassy does not presume to take sides in this

case, but we are concerned that expeditious, unimpeded due process under Guyanese judicial procedure be followed. It is significant to note that this case involves only American citizens, all of whom are residents of California. Accordingly, it would seem appropriate that the California Court would be the proper authority to decide the custody question. Indeed, normal procedure in cases such as this would require the recognition of the California decree.

On the surface it appears that Jim Jones is impeding the resolution of a case involving the welbeing of a young child.

Regardless of the question of jurisdiction, normal jurisprudence should be allowed to take its course. In this way we could avoid setting dangerous precedents on similar cases which may well arise in the future given the number of American children now living at the People's Temple settlement at Jonestown.

The Embassy would appreciate the Ministry of Foreign Affairs inquiring into this matter and determining what action can be taken to remove any impediments to a speedy conclusion of this case.

The Embassy of the United States of America avails itself of this opportunity to renew to the Ministry of Foreign Affairs the assurances of its highest consideration.

Embassy of the United States of America,
Georgetown, September 16, 1977.